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RUEHDO/AMEMBASSY DOHA PRIORITY 0185  
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RUEHMO/AMEMBASSY MOSCOW PRIORITY 6558  
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RUEHLO/AMEMBASSY LONDON PRIORITY 1134  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 4675  
RUEHTRO/AMEMBASSY TRIPOLI PRIORITY 4615  
RUEHOU/AMEMBASSY OUAGADOUGOU PRIORITY 7936  
RUEHSJ/AMEMBASSY SAN JOSE PRIORITY 9857  
RUEHJA/AMEMBASSY JAKARTA PRIORITY 2024  
RUEHZP/AMEMBASSY PANAMA PRIORITY 3819  
RUEHSA/AMEMBASSY PRETORIA PRIORITY 2084  
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INFO RUEHTC/AMEMBASSY THE HAGUE PRIORITY 3988

S E C R E T SECTION 01 OF 02 STATE 129978

SIPDIS

E.O. 12958: DECL: 12/09/2018

TAGS: [PREL](#) [PTER](#) [LE](#) [SY](#) [UNSC](#) [EUN](#)

SUBJECT: SUPPORT FOR THE SPECIAL TRIBUNAL FOR LEBANON

REF: A. USUNNEWYORK1149

[1](#)B. USUNNEWYORK1034

[1](#)C. USUNNEWYORK1017

Classified By: NEA DAS David Hale for reasons 1.4 (b) and (d)

[1](#)1. (U) This is an action request. Please see paragraphs three and four.

SUMMARY

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[1](#)2. (SBU) UN Secretary-General Ban Ki-moon has stated his intention to open the Special Tribunal for Lebanon (STL) on March 1, 2009. Nearly \$55M in voluntary contributions have already been collected to fund STL start-up costs and year one operations, but per the UN-Lebanese agreement that established the STL, Ban must secure enough contributions or pledges to cover years two and three before STL operations begin. Meanwhile, UN International Independent Investigation Commission (UNIIIC) head Daniel Bellemare has issued his final report and requested a two month extension of UNIIIC's mandate until February 28, 2009 to ensure a smooth transition of his investigation from Beirut to The Hague, where he will take on the role of prosecutor and begin preparing indictments.

OBJECTIVES

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[1](#)3. (SBU) Posts are requested to pursue the following objectives:

-- Note that the United States staunchly supports UNIIIC, Commissioner Bellemare, and the STL, and anticipates this support will be maintained by the next administration. Justice in the Hariri case and related attacks will help end an era of impunity for political violence in Lebanon and strengthen the sovereignty of the Lebanese state.

-- Thank host governments for any contributions already made to the STL. (Note: A list of contributions and pledges by

country and amount may be requested by email from Lebanon Desk Officer Matthew Irwin.)

-- Note that, while UNSYG Ban plans to open the STL on March 1, 2009, he must first secure contributions or pledges for the approximately \$66M in voluntary contributions required to fund years two and three of STL operations. (Note: Lebanon is required to pay 49 percent, or roughly \$64M, of \$130M in estimated costs for years two and three combined.)

-- Request that host governments make generous contributions or pledges for years two and three of STL operations to ensure that the STL opens as scheduled on March 1, 2009. If host governments are restricted from pledging out-year funds, suggest they detail their out-year STL funding requests or intended requests to their national budget authorities, as the United States did.

-- Request that host governments press UNSYG Ban to take all necessary measures to ensure the STL opens on March 1, 2009.

¶4. (SBU) Embassies Brussels, Rome, Zagreb, Moscow, Beijing, Ouagadougou, San Jose, Pretoria, Tripoli, Jakarta, Panama City, and Hanoi are requested to pursue the following additional objectives:

-- Note that UNIIIC Commissioner Bellemare has requested,

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with the endorsement of UNSYG Ban and Lebanese PM Siniora, a brief extension of UNIIIC's mandate to ensure a smooth transition of his investigation from Beirut to The Hague.

-- Request that host governments, as Security Council members, support a resolution to extend UNIIIC's mandate until February 28, 2009. A draft resolution will be circulated shortly in New York.

#### REPORTING DEADLINE

¶5. (U) Posts are requested to report the results of this demarche by cable to NEA/ELA Lebanon Desk Officers Matthew Irwin and Christine Lawson by Wednesday, December 17, 2008.

#### BACKGROUND

¶6. (SBU) After three years and three commissioners, UNIIIC has made sufficient progress in its investigation of the February 14, 2005 assassination of former Lebanese PM Rafiq Hariri and other attacks since October 1, 2004 to justify opening the STL on March 1, 2009. With Lebanese parliamentary elections scheduled for spring 2009 and the pro-sovereignty March 14 coalition led by Saad Hariri, son of the slain former PM, still reeling from Hizballah-instigated violence in May 2008, this start date is well-timed.

¶7. (C) While the UN has sufficient funds in hand to cover start-up costs and year one of STL operations, UNSYG Ban's decision to open the Tribunal on March 1, 2009 has touched off a flurry of fundraising activity, as the STL statute requires that pledges covering year two and three of STL operations be received before the STL opens its doors. While the statute allows the UNSYG and Security Council to explore "alternate means" of funding years two and three if voluntary contributions fall short, we hope to avoid this and will press the UN Comptroller and Legal Advisor to show flexibility, allowing the STL to open on March 1, 2009 if significant pledges have been received for at least year two.

¶8. (U) The United States is the largest single donor to the STL with the exception of Lebanon, having contributed \$14M toward start-up and year one costs. We recently pledged an additional \$6M for year two operations, pending Congressional approval of the administration's FY09 budget request.

¶9. (S/NF) UNIIIC Commissioner Bellemare, who will transition to his role as STL prosecutor when UNIIIC's mandate expires, tells us privately that he is confident he will "crack the case," but that indictments might not be issued before the end of 2009. Noting there is still significant investigative work to do, Bellemare has requested a two month extension of UNIIIC's mandate to ensure that the transition of UNIIIC personnel and files from Beirut to The Hague (seat of the STL) does not disrupt his investigation. Thereafter, Prosecutor Bellemare will continue the investigation, albeit without UNIIIC's Chapter VII authority to compel cooperation.

POINT OF CONTACT

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¶10. (U) Please contact NEA/ELA Lebanon Desk Officers Matthew Irwin and Christine Lawson with questions or for further background information.

RICE